

On the merits, the Examiner has rejected claims 22-25 as anticipated by Sahi et al.. The Examiner has also rejected all of claims 22-31 as anticipated by Reilly et al. '858.

Applicant disagrees with these grounds of rejection. The claims recite a syringe having automatically detectable physical indicia related to the capacity of the syringe, or to the distance of the plunger from an end of the syringe when the syringe is initially installed on an injector, or to the amount of fluid in a pre-filled syringe, or to the end of travel position of an injector ram coupled to the plunger when the syringe is coupled to an injector, or to the range of travel of an injector ram coupled to the plunger when the syringe is coupled to an injector.

The Examiner has relied upon the Sahi patent in rejecting the claims, apparently concluding (by virtue of an anticipation rejection) that Sahi shows "indicia" of the kind recited by the claims. It appears that the element the Examiner is relying upon is the volume-indicating gradations shown on the Sahi syringe. However, Applicant notes that these gradations are neither "automatically detectable" nor are they related to the information recited in the claims. The gradations merely indicate a position (and related filled volume) on the syringe;

they do not indicate its capacity, or the initial position of the plunger, or the pre-filled amount of fluid in a pre-filled syringe, or the end of travel or range of travel of a ram of an injector using the syringe.

The Examiner has also relied upon the Reilly patent in making an anticipation rejection of the claims, again apparently concluding that Reilly shows "indicia". However, the element the Examiner is relying upon is longitudinally spaced reinforcing ribs on the Reilly syringe. These are also neither "automatically detectable" nor are they related to the information recited in the claims. The ribs merely indicate a position on the syringe; they do not indicate its capacity, or the initial position of the plunger, or the pre-filled amount of fluid in the syringe, or the end of travel or range of travel of a ram of an injector using the syringe. Reilly does describe (see, e.g., at col. 6 lines 31-65) prefilled syringes and syringes with various coded information. However, this description does not suggest indicia that indicate capacity, initial plunger position, prefilled quantity of fluid, end of travel or range of travel. A syringe having indicia reflecting this information is therefore patentable over the disclosure of Reilly.

Applicant further notes the benefits obtainable from a syringe having indicia as recited in the claims, in controlling the drive of the plunger for syringes of differing capacities, different initial plunger positions or pre-filled volumes, or different ram travels, as is detailed in the application. These benefits establish nonobviousness of the claimed invention over the cited prior art.

With regard to the Examiner's double patenting rejection, Applicant will provide a suitable terminal disclaimer upon indication of allowable subject matter.

If any petition for extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



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